

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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KEN ROBERTS,
Plaintiff,
vs.
STATE OF NEVADA, ex rel., et al.,
Defendants.

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2:10-CV-00255-PMP-PAL
ORDER

Before the Court for consideration is Defendants' fully briefed Motion for Summary Judgment (Doc. #15). Having read and considered the foregoing, the Court finds that Defendants' Motion for Summary Judgment should be granted.

Specifically, the record before the Court reveals no genuine issue of material fact disputing that Plaintiff received extensive, continuous and competent medical care while incarcerated at Southern Desert Correctional Center. As a result, Plaintiff's claim under the Eighth Amendment of deliberate indifference must fail because he cannot show Defendants intentionally denied, delayed or interfered with medical treatment or failed to respond to his medical needs. Moreover, Plaintiff's complaint that he should have been transferred to another prison facility to complete his sentence is, in view of this Court, irrelevant to his claim of deliberate indifference.

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1 Additionally, the Court finds no genuine issue of material fact remains with
2 regard to Plaintiff's claim of retaliation. In particular, Plaintiff has failed to
3 demonstrate any error in the calculation of his date for eligibility for parole. The
4 record before the Court further establishes that Plaintiff Roberts actually violated
5 SDCC Operational Procedures 801 thereby subjecting himself to the disciplinary
6 charges brought against him.

7 Finally, Plaintiff fails to oppose Defendants argument that they are
8 insulated from liability from all claims under the doctrine of qualified immunity.
9 Conceding this final point, Plaintiff consequently consents to the granting of
10 Defendants' Motion for Summary Judgment in its totality.

11 **IT IS THEREFORE ORDERED** that Defendants' Motion for Summary
12 Judgment (Doc. #15) is **GRANTED**, and the Clerk of Court shall forthwith enter
13 judgment in favor of Defendants and against Plaintiff Ken Roberts on all claims in
14 this case.

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16 DATED: December 29, 2010.

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19 PHILIP M. PRO
United States District Judge
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